

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAWRENCE MOORE,

Plaintiff,

Case No. 1:11-cv-607

v

HON. JANET T. NEFF

HAROLD F. CLOSZ, III,

Defendant.

OPINION AND ORDER

Plaintiff, proceeding *pro se*, initiated this action on June 14, 2011 against the Honorable Harold F. Closz, III. Defendant filed a motion to dismiss (Def. Mot., Dkt 5). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R) on November 29, 2011, recommending that this Court grant the motion (R & R, Dkt 9). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (Pl. Obj., Dkt 10). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff objects to the Magistrate Judge's recommendations, arguing that he did not institute an action against Defendant, but rather was seeking a different trial in this Court or in another unnamed "High Court" (Pl. Obj., Dkt 10 at 1). Plaintiff raises for the first time in his objection a demand for money damages from Defendant and that Defendant be sanctioned and removed from the bench for a period of two years (*id.*). Plaintiff's objections are without merit.

Parties may not “raise at the district court stage new arguments or issues that were not presented to the magistrate.” *Murr v. United States*, 200 F.3d 895, 902 n.1 (6th Cir. 2000). Issues not raised in the complaint to the Magistrate Judge are deemed waived. *Id.*; *United States v. Waters*, 158 F.3d 933, 936 (6th Cir. 1998). Because Plaintiff did not raise the issues of damages and sanctions against Defendant in his complaint to the Magistrate Judge, the issues are deemed waived.

Even if these issues were not waived, Plaintiff’s arguments are without merit. The Magistrate Judge correctly concluded (1) that Defendant enjoys absolute judicial immunity for actions taken in his official capacity, and (2) that this Court lacks jurisdiction to review the outcome of a state court action (R & R, Dkt 9 at 4). Because Plaintiff is seeking damages against a judge who enjoys absolute immunity for actions taken in his official capacity and for federal review of a state court decision over which this Court has no jurisdiction, his arguments are without merit and his objections are denied.

Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Therefore:

IT IS HEREBY ORDERED that the Objections (Dkt 10) are DENIED and the Report and Recommendation (Dkt 9) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss (Dkt 5) is GRANTED.

Dated: January 11, 2012

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge